

**IN THE CHANCERY COURT
FOR WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH**

BOBBY MacBRYAN GREEN,

PLAINTIFF / PETITIONER,

v.

**JODI JONES,
HOWELL SHERROD,
BETTY ANN POLAHA, and
MARY LEE JONDAHL,**

Civil Action No. 41049

DEFENDANTS / RESPONDENTS.

AFFIDAVIT OF BOBBY MacBRYAN GREEN

STATE OF TENNESSEE]
COUNTY OF WASHINGTON]

Bobby MacBryan Green, M.D., being duly sworn according to law, deposes and makes the following Affidavit of his own personal knowledge :

My name is Bobby MacBryan Green. I am currently a citizen and resident of Washington County, Tennessee. I am over 18 years of age and I am competent to make this Affidavit.

1. I became President of Southside Neighborhood Organization (hereinafter "SNO") on 19 October 2009 and served reliably in that office for thirteen months before the election of new SNO officers on 15 November 2010.

2. With twice as many votes as the challenger, I was duly elected SNO President on 15 November 2010 for a definite term of two years beginning 17 January 2011 and ending 21 January 2013, pursuant to the *SNO Bylaws* at page 3.

3. I have never failed to preside at any monthly meeting of SNO from October 2009 through June 2011. I have carefully and diligently studied the *SNO Bylaws*, SNO's adopted governing authority (Robert's Rules of Order, Newly Revised , hereinafter "RONR"), as well as SNO's *Special Rules of Order* and *Standing Rules*. I am cognizant of the provisions of RONR, page 16 lines 8-14, requiring SNO to comply with RONR except when the *Bylaws* and *Special Rules of Order* preclude such compliance. I have consistently and impartially adhered to all the preceding Authorities. I am aware of no SNO member with comparable knowledge.

4. The SNO President is charged by the *SNO Bylaws* at page 1 with appointing all committee chairs. I promptly and reliably appointed the chair of every committee duly established by SNO.

5. On 20 June 2011, Defendant Jodi Jones, the SNO Vice President, learned that I would be out-of-state on Sunday 26 June 2011.

6. On 22 June 2011, Jodi Jones issued a Call for a special meeting of the SNO Executive Board on that Sunday 26 June 2011 at Holston Conference Center, 210 W. Maple Street. That Call contained no charges or specifications and made no accusation whatsoever that I was incapacitated or that I had failed to carry out the responsibilities of President. Nor was I ever ordered to appear and defend myself. (Please see *Exhibit Three* to the *Complaint* as well as Defendants' *Answer*, ¶ 9, ¶ 10).

7. I heard nothing further concerning the Executive Board until I was served by

Constable Gillwater with the Affidavits of Defendants Jones, Polaha, and Jondahl on 30 June 2011. I noted that each affidavit is identical except for identifying information. I also noted that nothing in any affidavit sets forth proper foundation for the conclusion which is promulgated. I further observed that the essence of each affidavit consists merely of a sweeping legal conclusion which serves only to disregard and obscure the relevant specific facts. I have previously protested in the record of civil action number 41049 the improper character of these affidavits.

8. I note that RONR, p. 643, lines 5-14 specifically mandates that :

If, however, the bylaws provide that officers shall serve *only* a fixed term, such as “for two years” an officer can be deposed of office only by following the procedures for dealing with offenses by members outside a meeting; that is, an investigating committee must be appointed, it must prefer charges, and a formal trial must be held.

I have carefully studied RONR and I can state with certainty that nothing in RONR or in the *SNO Bylaws* in any way attenuates the above mandate. For example, the *Bylaws* do **not** state that ‘the Executive Board has authority to depose an elected officer without due process and without regard for RONR.’

9. In an effort to obtain the relevant specific facts, on 3 July 2011 I requested from Defendant Polaha, the SNO Secretary and mother of Jodi Jones, all documents and available information concerning any recent action of the Executive Board. Polaha provided nothing and did not respond in any way. At 12:09AM on 17 July 2011, by email I reiterated my request to the SNO Secretary for documents and information. Again, Polaha provided nothing and did not respond in any way. I have been prejudiced by Polaha’s failure/refusal described above.

10. At the 18 July 2011 regular monthly meeting of SNO, Polaha distributed the purported Minutes of the 26 June 2011 purported special meeting of the Executive Board. This was the first time that I was provided with the same, or anything containing similar detail. Those purported Minutes are attached hereto as *Exhibit Z*.

11. I note that the *SNO Bylaws* at page 2 provide that “The Executive Board shall consist of the elected officers, the immediate past President, and the Committee Chairs.”

12. It is my duty as SNO President to maintain a list of all committees and chairpersons. It is my duty and prerogative to appoint all committee chairs, pursuant to the *SNO Bylaws*. As of 20 June 2011 and including 26 June 2011, all the following elected officers and appointed Committee Chairs were members of the Executive Board:

Jodi Jones (V-P)
Mary Lee Jondahl (Treasurer)
Betty Ann Polaha (Secretary)
Katherine Weiss (Archivist)
Christine Tober (Fraternity Relations Committee Chair)
Sarah Davis (Zoning Committee Chair)
Ken Harrison (Historic Preservation Committee Chair)
Karen Cajka (Traffic Committee Chair)
Neil Owen (Membership and Website Committee Chair)
Ben Connor (Block Captain Committee Chair)
Wanda Buda (Beautification Committee Chair)
MacBryan Green (President and Yard Sale Committee Chair).

13. The Call for a meeting of the Executive Board on 26 June 2011 (being *Exhibit Three* to the *Complaint*) included neither Christine Tober (Fraternity Relations Committee Chair) nor Sarah Davis (Zoning Committee Chair) nor Ben Connor (Block Captain Committee Chair). I am cognizant that RONR, page 469 lines 24-34,

prohibits transaction of any business unless every board member has received proper notice of the proposed meeting and unless a quorum appears.

14. At the time and place specified in the Call for the proposed special meeting of the Executive Board, neither Christine Tober nor Sarah Davis nor Ben Connor nor Katherine Weiss nor Karen Cajka nor Neil Owen nor myself were present according to the purported "Minutes for 26 June 2011 Special Meeting of the Executive Board" (*Exhibit Z*).

15. According to the purported "Minutes for 26 June 2011 Special Meeting of the Executive Board" (*Exhibit Z*) the only Executive Board members present at the time and place specified in the Call for the special meeting were Wanda Buda, Ken Harrison, and Defendants Jones, Polaha, and Jondahl, for a total of five Executive Board members actually present in one room or area [hereinafter "the gathering"]. As SNO's presiding officer, I have repeatedly demanded respect for the distinct meaning assigned to the word "meeting" by parliamentary law :

A meeting of an assembly is a single official gathering of its members in one room or area to transact business for a length of time during which there is no cessation of proceedings and the members do not separate, unless for a short recess.

RONR, page 79. Five members was an inadequate number to make a quorum for a 'meeting' of the Executive Board in June 2011, and without a quorum, no business can be transacted. As presiding officer, I can authoritatively declare that the only valid business meeting of the Executive Board within the last two years occurred in January 2010.

16. According to the purported 26 June 2011 Minutes, the gathering did not

adopt any resolutions, and did not adopt any charges and specifications against me during the fifteen minutes they were together. I have no knowledge whatsoever of any formal charges being placed against me by the SNO Executive Board.

17. I have never received any Executive Board Order requiring me to appear and defend myself against charges of any nature, including charges of incapacitation or dereliction of duty.

18. According to the purported 26 June 2011 Minutes, the gathering did not hold a trial or enter a finding that I was incapacitated or derelict in fulfilling the enumerated duties of SNO President.

19. The SNO Bylaws at page 3 mandate “review” of all actions of the Executive Board at the succeeding monthly meeting, or at an earlier called special meeting of the general membership. As presiding officer, I researched the most appropriate definition of “review.” I determined that the definition given first in Mirriam-Webster Dictionary 1974 best fits the context and era : “*vb* 1: to examine or study again ; *esp* : to reexamine judicially.” I consulted SNO’s adopted Authority on such matters, RONR, and found that RONR at pages 640-641 also mandates “review” of any similar actions. RONR makes clear that a vote by the general assembly whether or not to sustain the recommended disciplinary action is critical. Based upon the foregoing, I determined that the “review” required by the *SNO Bylaws* amounts to a mandatory full *Reconsideration* of all Executive Board actions.

20. I was present at the 18 July 2011 regular monthly meeting of the SNO assembly. At that meeting :

(a) Court Reporter Jayne Cox recorded the proceedings without objection.

- (b) Plaintiff firmly and repeatedly asserted his right to Chair the meeting.
- (c) Jodi Jones seized the Chair and refused to relinquish it.
- (d) The vote on the motion to *Censure* Jodi Jones (for presenting the improper action of a few as a legitimate action of the Executive Board) exceeded 1/3 of those present and voting.
- (e) There was no vote or other action whatsoever to adopt or sustain the purported discharge action of the Executive Board, and there was no description of any relevant charge or evidence. I am aware that RONR page 639 requires at least a 2/3 vote to *Rescind* an election and depose an elected officer, even when such an action is permitted by the bylaws. I am aware that such a 2/3 vote was manifestly impossible, in that over 1/3 had just voted to *Censure* Jodi Jones. The purported discharge action was not “reviewed.”

21. From October 2009 until July 2011, I never failed to competently preside at any regular monthly meeting of the Organization. I have never failed to appoint the Chair of any valid SNO committee. I am strong and healthy. I am neither incapacitated nor derelict in my responsibilities. I have received a letter of praise for my past and recent contributions to SNO, dated 7 July 2011 and signed by seven members of the Executive Board and attached hereto as *Exhibit Y*.

AND FURTHER THE AFFIANT SAITH NOT.

Bobby MacBryan Green, M.D.

Attachments :

Exhibit Y - 7 July 2011 letter

Exhibit Z - purported Executive Board Minutes

STATE OF TENNESSEE
COUNTY OF WASHINGTON

On this day, Bobby MacBryan Green, with whom I am personally acquainted and who also presented trustworthy identification, appeared personally before me, and after being duly sworn and deposed, executed the above *Affidavit of Bobby MacBryan Green*.

This the _____ day of September 2011.

My commission expires:

SOUTHSIDE NEIGHBORHOOD ORGANIZATION

Minutes for 26 June 2011

Special Meeting of the Executive Board

7PM at Holston Methodist Conference District Office – 210 W. Maple Street

Jodi Jones Vice President called this special meeting of the executive board to hold a vote regarding whether Bryan Green should remain as President. The members were contacted and the meeting was posted on the SNO website over 48 hours in advance.

The meeting was called to order at 7:05PM. Howell Sherrod, a SNO member acted as moderator.

There were 11 people in attendance. There were five (5) executive board members present and one (1) conferenced in by phone for a total of six (6). Six (6) other attendees were SNO members.

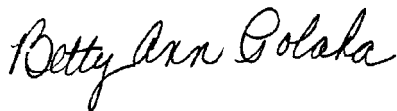
Mary Lee Jondahl motioned that the members agree to a voice vote rather than secret ballots. There were no objections to a voice vote and a role call vote was taken.

Bryan Green, Karen Cajka, Neil Owen and Katherine Weiss were absent. Neil Owen and Karen Cajka had sent notarized ballots prior to the meeting. There were 7 votes to remove Bryan as President. There were no votes from Bryan Green or Katherine Weiss. The SNO By-Laws require $\frac{3}{4}$ of the executive board to be in agreement, therefore Bryan Green was discharged as President.

As per the SNO By Laws Jodi Jones will act as President for the remainder of the term. It was decided any further changes to the executive board would be done at regular monthly meetings.

The meeting adjourned at approximately 7:20 PM.

Respectfully Submitted,
Betty Ann Polaha



Southside Neighborhood Organization Secretary

